

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DANIEL CARSTETTER,	:	CIVIL ACTION NO. 1:06-CV-1993
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
ADAMS COUNTY TRANSIT AUTHORITY,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 9th day of April, 2007, upon consideration of the report of the magistrate judge (Doc. 18), recommending that the motion to dismiss (Doc. 16) be granted and that the amended complaint (Doc. 14) be stricken, and, following an independent review of the record, it appearing that plaintiff filed an amended complaint (Doc. 14) without leave of court or consent of defendant after defendant had filed an answer to the original complaint (Doc. 1), see FED. R. CIV. P. 15(a) (“A party may amend the party’s pleading once as a matter of course at any time before a responsive pleading is served [Thereafter] a party may amend the party’s pleading only by leave of court or by written consent of the adverse party.”),¹ it is hereby ORDERED that:

¹ See also L.R. 15.1(b) (“The party filing the motion requesting leave to file an amended pleading shall provide: (1) the proposed amended pleading . . . and (2) a copy of the original pleading in which stricken material has been lined through and any new material has been inserted and underlined or set forth in bold-faced type.”).

1. The report and recommendation of the magistrate judge (Doc. 18) is ADOPTED.
2. The motion to dismiss (Doc. 16) is GRANTED to the extent that defendant argued that the amended complaint should be stricken for plaintiff's failure to comply with Rule 15 of the Federal Rules of Civil Procedure.
3. The amended complaint (Doc. 14) is STRICKEN from the record.
4. The above-captioned case is REMANDED to the magistrate judge for further proceedings.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge